

UNITED STATES DISTRICT COURT

District of Minnesota

Regents of the University of Minnesota

JUDGMENT IN A CIVIL CASE

V.

Case Number: 07-cv-4732 PJS/LIB

AGA Medical Corporation

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☒ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED THAT:

1. Plaintiff Regents of the University of Minnesota's motion [Docket No. 247] to exclude new expert opinions of Professor Ken Gall and Dr. Charles Mullins is GRANTED as follows:
 - a. In Gall's substitute expert report, all portions related to his opinion that the '281 patent is not enabled are EXCLUDED.
 - b. In Mullins's substitute expert report, all portions related to his opinion that the '281 patent is not enabled are EXCLUDED.
2. Defendant AGA Medical Corporation's motion for summary judgment of invalidity [Docket No. 240] is GRANTED IN PART as follows:
 - a. Count 2 of plaintiff Regents of the University of Minnesota's first amended complaint [Docket No. 79] for infringement of U.S. Patent No. 6,077,281 is DISMISSED WITH PREJUDICE AND ON THE MERITS.
 - b. The Court DECLARES, as requested in Counterclaim 2 of defendant AGA Medical Corporation's first amended answer and counterclaims [Docket No. 229], that claims 1, 4, and 5 of U.S. Patent No. 6,077,281 are INVALID as anticipated and as indefinite.
3. Defendant AGA Medical Corporation's motion for summary judgment of invalidity [Docket No. 240] is DENIED in all other respects.
4. Defendant AGA Medical Corporation's remaining counterclaims are DISMISSED AS MOOT.
5. In light of the Court's dismissal in its earlier order [Docket No. 231] of Count 1 of the first amended complaint for infringement of U.S. Patent No. 6,077,291, and the Court's dismissal in this order of Count 2 of the first amended complaint for infringement of U.S. Patent No. 6,077,281, plaintiff Regents of the University of Minnesota's first amended complaint is DISMISSED WITH PREJUDICE AND ON THE MERITS.

December 14, 2011

Date

RICHARD D. SLETTEN, CLERK

s/Katie Thompson

(By)

Katie Thompson Deputy Clerk